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August 10, 2020

MEMO ENDORSED

By ECF

The Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Joseph Asan
20 Cr. 86 (KMW)

Dear Judge Wood:

I represent defendant Joseph Asan in the above-referenced matter. For the reasons which follow, I write seeking modification of Mr. Asan's bail conditions. Specifically, the defense respectfully requests that Mr. Asan no longer be subject to home detention with electronic monitoring.

On or about October 31, 2019, Mr. Asan was arrested and charged with conspiracy to commit bank and wire fraud and related charges.¹ Thereafter, Asan's prior CJA attorney and the Government reached an agreement in principle on a proposed bail package for the court's consideration. On or about December 23, 2019, Magistrate Judge Aaron ordered that the defendant be released subject to satisfaction of the following conditions: A \$250,000 PRB to be signed by three FRP'S; travel limited to the SDNY/EDNY; D.MD; Florida; DNJ; surrender USA & Nigerian passports²; strict pretrial supervision and home detention with electronic monitoring. It was also agreed that Asan would reside with his brother at his residence in Daytona Beach, Florida.

Needless to say, when bail was set in this case over seven months ago, Covid-19 was not a real consideration. Now however, we are all living in a new reality. While home detention may have been a reasonable bail condition back in December 2019, given the multitude of delays and disruptions occasioned by the pandemic, it is no longer fair or even necessary. Like most cases right now, this one has gone on longer than normal and given the current health crisis, there is currently no end in sight. Meanwhile, for seven months,

¹ This is Mr. Asan's first and only arrest.

² Asan has dual citizenship. He was born in the United States but moved to Nigeria with his parents when he was an infant. He moved back to the United States in 2013 where he later earned a BA in economics from Rutgers University and served in the United States Army reserves until he was discharged due to the instant arrest.

Mr. Asan has remained of good behavior and in full compliance with all of his bail conditions. At the same time, he has remained gainfully employed while pursuing a Masters degree in aeronautics at Embry-Riddle Aeronautical University in Daytona Beach, Florida. Respectfully, there is no legitimate reason at this point that Asan should continue to be subject to home detention or electronic monitoring, particularly where *strict* pretrial supervision is already a condition of his bail.

Charles Sweatt, Mr. Asan's Pretrial Services Officer in Florida has no objection to this request although he notes that Mr. Asan is technically under New York supervision as well. The Government on the other hand, through AUSA Sagar Ravi, *does* object to the requested modification.

Thank you for the Court's consideration.

Respectfully,

/s/ Matthew J. Kluger
Matthew J. Kluger, Esq.

cc: AUSA Sagar K. Ravi
Pretrial Officer Charles Sweatt (email)

Defendant's request for modification of his bail conditions is DENIED.

SO ORDERED.

/s/ Kimba M. Wood 8/21/20
KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE